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November 7, 1996

**RECEIVED**

**NOV - 7 1996**

Federal Communications Commission  
Office of Secretary

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Cheyenne, Wyoming  
Montgomery Broadcasting Limited Liability Company

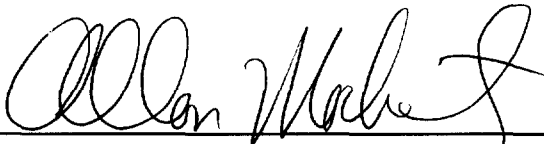
Dear Mr. Caton:

On behalf of Montgomery Broadcasting Limited Liability Company, we are herewith filing an original and four (4) copies of its "Petition for Rulemaking".

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By:   
Allan G. Moskowitz

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In Re )  
 )  
Amendment of Section 73.202(b), )  
 )  
Table of Allotments, )  
FM Broadcast Stations. )  
 )  
Cheyenne, Wyoming )

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*Federal Communications Commission  
Office of Secretary*

TO: Chief, Policy and Rules Division

**PETITION FOR RULEMAKING**

Montgomery Broadcasting Limited Liability Company ("Montgomery"), pursuant to Section 303 of the Communications Act of 1934, as amended, hereby petitions for rulemaking to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to request the assignment of FM Channel 229A to Cheyenne, Wyoming. In support thereof, the following is respectively shown:

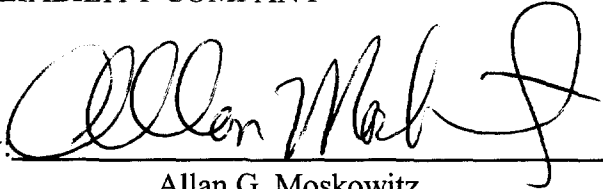
1. The community of Cheyenne, Wyoming had a 1990 U.S. Census population of 50,008, which represents an increase of over 2,700 residents since 1980. While the Table of Allotments reflects that there are presently five FM channels allotted to Cheyenne, Wyoming, the community and its surrounding area could support and deserves an additional FM allocation.
2. Montgomery has the present intention of submitting an application for a new FM Radio Station Construction Permit for Channel 229A at Cheyenne, if the Commission assigns that channel. Further, Montgomery presently commits itself to construct the station as expeditiously as possible if its application is granted.

3. The attached Engineering Statement reflects that Channel 229A can be assigned at the reference point specified with a site restriction just north of the city in compliance with all the Commission's separation requirements and rules.

4. Montgomery respectfully submits that the allocation of Channel 229A to Cheyenne, Wyoming, would be in the public interest and respectfully requests that Channel 229A be allotted to Cheyenne, Wyoming.

Respectfully submitted,

MONTGOMERY BROADCASTING LIMITED  
LIABILITY COMPANY

By: 

Allan G. Moskowitz  
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP  
901 Fifteenth Street, N.W., Suite 1100  
Washington, DC 20005  
(202) 682-3500

November 7, 1996

PROPOSED RULEMAKING  
DAVID MONTGOMERY  
93.7 MHz CH.229A  
CHEYENNE, WYOMING

**FCC - ORIGINAL**

# ENGINEERING STATEMENT

Concerning a request for rulemaking to assign Channel 229A to Cheyenne, Wyoming.

David Montgomery hereby requests that the FCC allot Channel 229A to Cheyenne, Wyoming, and has retained the services of Vir James P.C., Consulting Radio Engineers, to prepare the engineering portions of this request for FM rule making for Cheyenne.

Measurements in this report are in the metric system.  
Exhibit E-1B-2 tabulates the appropriate conversion factors.

The proposed reference coordinates for Channel 229A can be assigned with a site restriction just north of the city of Cheyenne as follows:

NL: 41 Deg 14 min 00 sec  
WL: 104 Deg 48 min 00 sec

A study of existing and proposed FM stations and allocations on file as of the date of this request for rulemaking shows that there are neither cochannel nor adjacent channel commercial FM stations within the minimum distance separations specified in Section 73.207 of the FCC rules.

CH.	FREQ.	NEAREST ALLOCATION		SEPARATION IN KM	
		CITY	CALL	ACTUAL	REQ'D
226C1	93.1	Riverton, WY	KTRZ	322	75
227C	93.3	Ft Collins CO	KTCL	127	96
228A	93.5	Leadville CO	APPL	247	72
229C1	93.7	Craig CO	KRAI	247	200
229A	93.7	Limon CO	ADD	239	105
230A	93.9	Frisco CO	KYSL	217	72
231C1	94.1	Scottsbluff NE	KNEB	107	75
232C3	94.3	Wellington CO	ADD	42	42

There are no stations or proposals for frequencies 10.6 or 10.8 MHz removed from 93.7 MHz within 40 km of the proposed Cheyenne so therefore no IF interference can result.

PROPOSED RULEMAKING  
DAVID MONTGOMERY  
93.7 MHz CH.229A  
CHEYENNE, WYOMING

Hence, the proposed allocation of Channel 229A to Cheyenne, Wyoming, would meet required separation distances with respect to existing or proposed FM stations and allocations.

Therefore the table of Allotments in Section 73.202 can be amended as follows:

Cheyenne, Wyoming

Present: 250C1, 260A, 264C1, 285A, 292C3

Proposed: 229A, 250C1, 260A, 264C1, 285A, 292C3

This request for rule making has been prepared in accordance with the appropriate parts of Section 73 of the FCC Rules and Regulations.



Respectfully submitted,

A handwritten signature in cursive script that reads "Timothy C. Cutforth".

Timothy C. Cutforth, P.E.  
18 October 1996

STATE OF COLORADO

EXHIBIT E-1B-1

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (50046) by the Society of Broadcast Engineers, Inc.

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a member of the IEEE.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief: and on such statements made on belief, they are believed to be true.

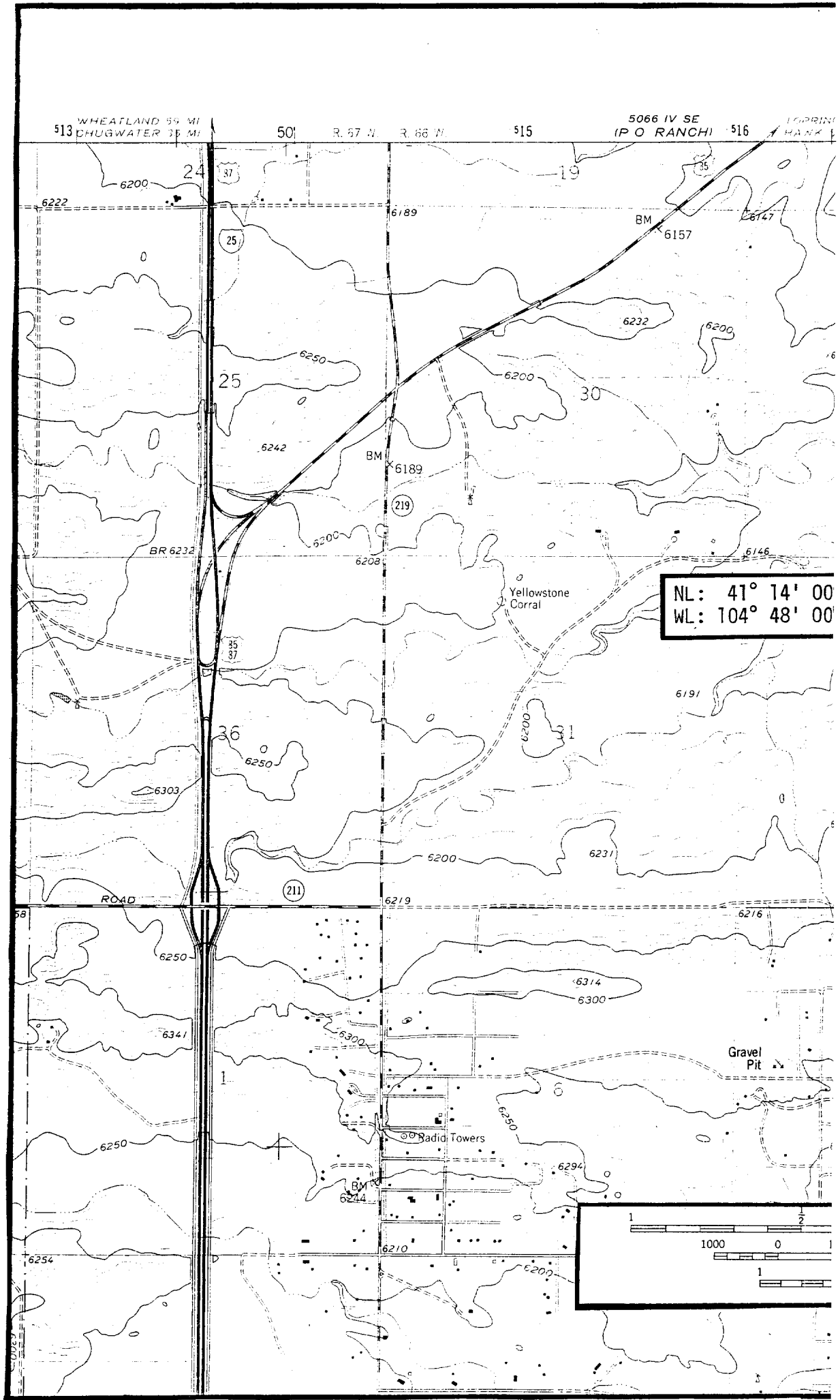
Timothy C. Cutforth  
Affiant

Subscribed and sworn to before me

This 18th day of October, 1996

Notary Public Virginia K. Cutforth

Date of Commission Expiration December 21, 1996



WHEATLAND 59 MI  
CHUGWATER 39 MI

50 R. 67 N. R. 66 N.

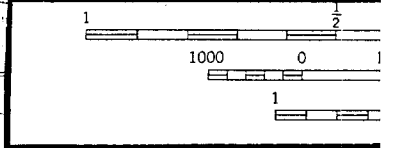
515

5066 IV SE  
(P O RANCH)

516

LOPPING HARK

NL: 41° 14' 00"  
WL: 104° 48' 00"



# CHEYENNE NORTH QUADRANGLE

WYOMING-LARAMIE CO.

7.5 MINUTE SERIES (TOPOGRAPHIC)

NE/4 CHEYENNE 15' QUADRANGLE

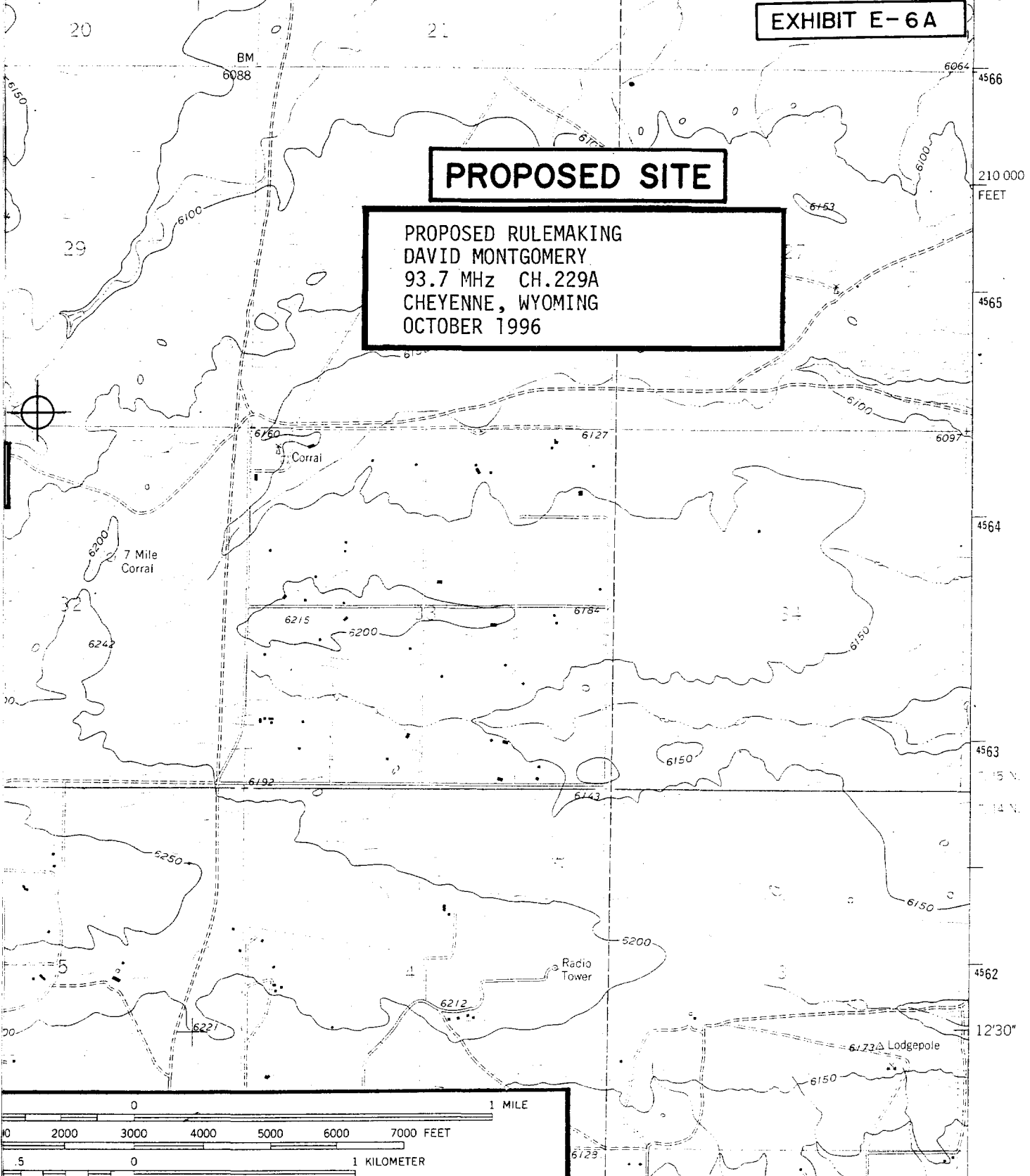
5066  
IPOLE CR

517 47°30' 518 519 610 000 FEET 520 104°45' 41°15'

**EXHIBIT E-6A**

**PROPOSED SITE**

PROPOSED RULEMAKING  
DAVID MONTGOMERY  
93.7 MHz CH.229A  
CHEYENNE, WYOMING  
OCTOBER 1996



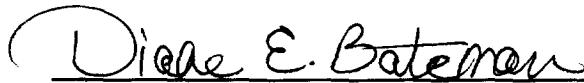
**VIR JAMES P. C.**  
TIMOTHY C. CUTPORTH P.E., DIRECTOR OF ENGINEERING  
BROADCAST ENGINEERING CONSULTANTS  
965 S. IRVING ST. • DENVER, CO 80219  
(303) 937-1900 • (800) 779-0198



**CERTIFICATE OF SERVICE**

I, Diane E. Bateman, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that a copy of the foregoing "Petition for Rulemaking" was hand-delivered, this 7th day of November, 1996, to the following:

Mr. Douglas W. Webbink  
Chief, Policy and Rules Division  
Federal Communications Commission  
2000 M Street, N.W.  
Room 536  
Washington, DC 20554

  
\_\_\_\_\_  
Diane E. Bateman